

September 8, 2010

TO: Teresa Parsons, SPHR
Director's Review Program Supervisor

FROM: Kris Brophy, SPHR
Director's Review Investigator

SUBJECT: Bethel Pickens v. Pierce College
Allocation Review Request ALLO-10-002

Director's Determination

This position review was based on the work performed for the six-month period prior to November 5, 2009, the date Pierce College Human Resources received the request for a position review. As the Director's Review Investigator, I carefully considered all of the documentation in the file, the exhibits, and the verbal comments provided by both parties during the review telephone conference. Based on my review and analysis of Ms. Pickens's assigned duties and responsibilities, I conclude her position is properly allocated to the Program Coordinator classification.

Background

On November 5, 2009, Pierce College's human resource office received Ms. Pickens's Position Review Request (PRR) form asking that her position be reallocated to the Program Manager A classification. Ms. Pickens signed the form on November 5, 2009. Her supervisor completed and signed the supervisor's portion of the form on December 8, 2009.

On December 23, 2009 Pierce College notified Ms. Pickens that her position was properly allocated as a Program Coordinator (Exhibit B-1).

On January 8, 2010, the Department of Personnel received Ms. Pickens's request for a Director's review of Pierce College's allocation determination (Exhibit A-1).

On August 10, 2010, I conducted a Director's review telephone conference. Present during the call were Bethel Pickens, Deena Forsythe, Human Resource Employment & Training Manager, Horst Marschall, Executive Director of Military Program, and Sara Crane, Human Resource Assistant.

Rationale for Director's Determination

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

Duties and Responsibilities

Pierce College's Military Program contracts with the military to provide educational services to service members and their family members. Pierce College has extension sites at Ft. Lewis and McChord Air Force base. Ms. Pickens's position is located at the College's Ft. Lewis extension site. She is responsible for administering testing activities for the college's Military Program. This includes coordinating testing schedules, conducting test proctoring and training, directing the work of internal testing services staff, providing program administration information and training to proctors across the military program, coordinating program registration and other activities related to the Test Control Officer process, and program record keeping and reporting.

Ms. Pickens's supervisor, Horst Marschall, generally supports the description of work provided in the PRR (Exhibit B-5). Mr. Marschall states that Ms. Pickens's description of duties is basically accurate. He states that Ms. Pickens supervises one part-time employee and has co-responsibility for three other part-time employees when they are performing testing responsibilities.

Ms. Pickens's duties and responsibilities include:

- 10% Develops administration processes and procedures; develops and maintains study materials, literature and website testing program. Interpret, advise and implement policies and procedures related to testing.
- 10% Manage program registration and Test Control Officer process for CLEP, DSST, eCOMPASS, ASSET, ACCUPLACER, Pearson Vue and internal scheduled testing.
- 5% Recruit, train, and supervise testing personnel.
- 5% Manage, prepare and maintain fee reporting from contracted testing entities.
- 10% Provide program administration information and training to proctors across the military program and out of area test sites; work with program staff in the maintenance of accurate/complete records relating to testing programs.
- 5% Provide promotional and marketing outreach through design and implementation of informational materials. Provide resources for testing candidates as they explore testing and career options.

- 5% Review testing contacts and research test center needs and make sure testing setup meets or exceeds required standards.
- 10% Develop and maintain testing schedule for placement testing and external contract testing; produce test proctor schedules; verify proctor time cards and special assignment (surveys).
- 10% Represent the Military Program National Test Center at conferences; serve on committees and in meetings promoting testing and credit granting policies. Disseminate program information to the community by scheduling and providing regular information on testing.
- 15% Provide support for front office (registration, flyers, telephones, etc.) Produce and distribute instructor support materials. Provide instructor support.
- 15% Develop quarterly spreadsheet for upload into SMS and prepare bulletin; prepare various enrollment/registration spreadsheets and charts.

Summary of Ms. Pickens's Perspective

Ms. Pickens asserts the testing program has grown and it takes more management and supervisory skills to run the program than was originally called for when she came into the position. She asserts the scope of her position extends beyond coordinating activities and that the Administrative Certifications she holds for DSST/CLEP and PearsonVue demonstrates a greater level of responsibility than those associated with the Program Coordinator class.

Summary of Pierce College's Reasoning

Pierce College asserts that the scope of Ms. Pickens's duties and responsibilities for coordinating the testing services for the Military program and the level of her decision making authority does not reach the Program Manager Class. In addition, Pierce College asserts Ms. Pickens has not been delegated supervisory authority for the three part-time hourly employees who provide testing services support to the program when needed. Pierce College asserts Ms. Pickens's position does not reach the Program Support Supervisor class because she has not been delegated the authority to act as a supervisor and the full time equivalency (FTE) of the part-time hourly employee Ms. Pickens asserts she supervises is less than 1 FTE. Pierce College contends Ms. Pickens's position's duties and responsibilities are consistent with the Program Coordinator class.

Comparison of Duties to Class Specifications

When comparing the assignment of work and level of responsibility to the available class specifications, the class series concept (if one exists) followed by definition and distinguishing characteristics are primary considerations. While examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the work envisioned within a classification.

Comparison of Duties to Program Support Supervisor 1

The Definition for Program Support Supervisor 1 states:

Supervise support staff involved in the performance of duties associated with a highly specialized or technical program(s). Coordinate the operation of a specialized or technical program(s). Act as liaison between the program and outside organizations.

The Distinguishing Characteristics state in relevant part:

With delegated authority, interview and recommend selection of applicants, train new employees, assign and schedule work, act upon leave requests, conduct annual performance evaluations and recommend disciplinary action.

...

Historically, the former Higher Education Personnel Board (HEPB) relied on three components for determining whether a position tasked with supervising student workers met the same standard as a position supervising classified staff. The three components included the definition of supervisor, the intent of the related class specification, and whether the collective hours of student supervision equated to one FTE. Udovich, Arrington, and Pittman v. The Evergreen State College. HEPB Nos. 3607, 3608, and 3609 (1992). Both the former Personnel Appeals Board (PAB) and the Personnel Resources Board (PRB) have applied similar criteria when considering supervisory or lead responsibilities.

In a more recent decision, the PRB provided guidance on the definition of supervision. The PRB determined that “[s]upervision of an organization typically includes setting organizational goals, developing plans to meet goals and objectives, developing policies and procedures, preparing budgets, adjusting and authorizing expenditures, controlling the allocation of program resources, and the supervision of staff.” Dawson v. South Puget Sound Community College, PRB Case No. R-ALLO-08-001 (2008).

In Dawson, the Appellant argued that he performed supervisory responsibilities for contract, part-time and work-study staff. However, the PRB determined his position provided “on-the-job work instruction” but did not “perform training and development at a level expected of a supervisor.” While the PRB concluded Appellant had oversight of the daily work, provided feedback, and responded to service complaints related to the service provided, he did not conduct formal performance evaluations or adjust formal grievances. As a result, the PRB determined Appellant’s position was properly allocated to a lead classification.

The Department of Personnel (DOP) Glossary of terms for Classification, Compensation, & Management defines **supervisor** as follows:

An employee who is assigned responsibility by management to participate in all of the following functions with respect to their subordinate employees:

- Selecting staff
- Training and development
- Planning and assignment of work
- Evaluating performance
- Resolving grievances
- Taking corrective action

Participation in these functions is not routine and requires the exercise of individual judgment.

The PRB has also addressed the one FTE standard applied by previous Boards. The PRB agreed "there must be a threshold which can be objectively applied to each set of duties and responsibilities when determining the appropriateness of allocation to a lead or supervisory class." The PRB further concurred "the established threshold of 1.0 FTE should continue to be used as the basis for determining the appropriateness of allocation to a lead or supervisory class." Tacoma Community College v. Edward Harmon, PRB Case No. R-ALLO-08-012 (2008), citing Halcomb v. Shoreline Community College, Higher Education Personnel Board (HEPB) Case No. 3453 (1992); Baker v. University of Washington Health Services, Personnel Appeals Board (PAB), Case No. 3821-A3 (1994); and Washington State University v. Marc Anderson, PAB Case No. ALLO-04-005 (2004).

Therefore, in order to meet the definition of supervisor, an incumbent must have full supervisory responsibility and supervise a minimum of one full-time equivalent (FTE) employee.

Ms. Pickens states in the Request for Director's Review document (Exhibit A-1) that she supervises one part-time employee and co-supervises three other part-time employees. One part-time hourly employee (Stephanie Raven) is directly assigned to the testing program. During the review telephone conference, Ms. Pickens clarified that Ms. Raven administers tests, files records, and performs other clerical support functions. Ms. Pickens stated Ms. Raven works approximately 80 hours per month.

Ms. Pickens stated she is responsible for scheduling and assigning Ms. Raven's work, acting upon her leave requests, providing training regarding proper testing protocols and practices, and verifying and signing her timesheets for payroll purposes. The full time equivalency of Ms. Raven's position is less than 1 FTE. Based on the hours of work calculated by Pierce College, the total amount of hours Ms. Raven worked from November 2008 through October 2009 was .5225 FTE (Exhibit B-1).

Mr. Marschall clarified during the review telephone conference that the other three part-time hourly employees report to the office manager for the Ft. Lewis Military Program, Patricia Dell. He stated that Ms. Pickens is responsible for making sure testing activities are covered appropriately, and when Ms. Pickens sets up her testing schedule she works with Ms. Dell to make sure the part-time employees will be available to assist with testing.

Ms. Pickens clarified that the part-time employees' primary function is to provide overall administrative support for the Military Program for Pierce College and she acknowledged

that Ms. Dell is their designated supervisor. Ms. Pickens stated she coordinates the employee's work when they are in the testing unit conducting approximately two to three tests a week. She stated that while she is not their designated supervisor, she assumes informal responsibility for their staff supervision while they are working for her such as addressing workload, performance, training, and other issues that arise.

Ms. Pickens further clarified she verifies their timecards so they can get paid for hours worked in the testing center. She forwards the timecards to the office manager (Ms. Dell) for processing.

Although Ms. Pickens provides oversight of the three part-time hourly employees while they are working in the testing center, coordination of work schedules and coordination of work performed by staff does not meet the intent of the supervisory requirement for planning and assigning work. That overall responsibility rests with Ms. Dell, the office manager for the Military Program.

Ms. Pickens has responsibility for scheduling and assigning Ms. Raven's work, acting upon her leave requests, providing training regarding proper testing protocols and practices, and verifying and signing her timesheets for payroll purposes. However, Ms. Pickens does not have delegated supervisory authority and responsibility for conducting formal performance evaluations, adjusting formal grievances or taking formal corrective actions as required for allocation to a supervisory classification. In addition, the full-time equivalency of Ms. Raven's position is less than 1 FTE.

Based on the information provided, Ms. Pickens's position does not perform the full scope and level of supervisory activities required for allocation to the Program Support Supervisor 1 class.

Comparison of Duties to Program Manager

The Program Manager A definition states: "[s]upervises a division of a major administrative department, operating unit or program undertaking relieving the senior official of operating and administrative detail. Plans, coordinates and implements all functions required by the activity."

The Distinguishing Characteristics of the Program Manager A classification state:

Program Managers administer, supervise, direct and advise on activities involved in providing an essential management service within the institution. They are responsible for advising and assisting, with minimal direction, the senior official and other administrators in the organization on matters pertaining to the program. The primary purpose of these positions is to achieve the goals and objectives of the program by providing, obtaining, and/or coordinating activities as they affect the institution.

Positions in this class involve a wide scope of complex duties and responsibilities in the management of a program which may involve a

combination of two or more of the following services: Project management, funds management, contract administration, management analysis, property management, space management, program management, budget planning, public information, faculty, administrative, classified staff and student services administration, personnel administration, and staff supervision.

Program Managers exercise independent judgment, and have been delegated decision-making authority. Program manager at the "A" level are typically first-line supervisors, and are characterized by their total responsibility for a program or management services to an administrative supervisor.

The Department of Personnel (DOP) Glossary of terms for Classification, Compensation, & Management provides further guidance on the level and scope of work performed by Program Managers. The glossary states that the duties of a Program Manager involve exercising authority over:

- Development of program goals and objectives
- Development of timetables and work plans to achieve program goals and objectives
- Development of program policies and procedures
- Preparation of program budgets, adjustments of allotments and authorizing expenditures
- Controlling allocation of program resources
- Setting and adjusting program priorities
- Evaluating program effectiveness

Ms. Pickens's position does not exercise the scope or breadth of authority anticipated at the Program Manager level. Her position is responsible for coordinating the testing program which includes day-to-day operations of the testing activities for the Pierce College Military Program. The scope and complexity of the testing program does not reach the requirements of the definition for this class for supervising a division of a major administrative department, operating unit or program undertaking.

Further, the scope and complexity of her duties are limited and do not rise to the level of responsibility required by this class. Ms. Pickens does not have responsibility for administering two or more of the following services: funds management, contract administration, management analysis, property management, space management, program management, budget planning, public information, faculty, staff and student services administration, personnel administration, or staff supervision.

Ms. Pickens does not develop program policies and procedures; rather she develops work processes to track program information and data. She does not prepare program budgets but does provide information and input to her supervisor for the development of the budget. She does not allocate program resources but does order and maintain office and program materials and supplies. She does not set and adjust program priorities or evaluate program effectiveness at the level of a Program Manager. And as mentioned previously, she does not supervise program staff.

Ms. Pickens's overall duties do not rise to the level of responsibility required by this class. In total, Ms. Edwards' position should not be allocated to a class within the Program Manager series.

Comparison of Duties to Program Coordinator

The Class Series Concept for the Program class series states:

Perform work requiring knowledge and experience that is specific to a program. Organize and perform work related to program operations independent of the daily administrative office needs of the supervisor. Represent the program to clients, participants and/or members of the public. A program is a specialized area with specific complex components and discrete tasks which distinguish it from the main body of an organization. A program is specific to a particular subject. The specialized tasks involve interpretation of policies, procedures and regulations, budget coordination/administration, independent functioning and typically, public contact. Duties are not of a general support nature transferable from one program to another. Performance of clerical duties is in support of incumbent's performance of specialized tasks.

The Definition for the Program Coordinator classification states: "[c]oordinate the operation of a specialized or technical program."

The Distinguishing Characteristics for the Program Coordinator classification state:

Under general direction, perform work using knowledge and experience specific to the program. Exercise independent judgment in interpreting and applying rules and regulations. Independently advise students, staff, program participants and/or the public regarding program content, policies, procedures and activities; select/ recommend alternative courses of action and either:

(1) Project, monitor, maintain, initiate and/or approve expenditures on program budgets

OR

(2) Have extensive involvement with students, staff, the public and/or agencies in carrying out program activities, and coordinate, schedule and monitor program activities to determine consistency with program goals.

The Department of Personnel (DOP) Glossary of terms for Classification, Compensation, & Management defines working under general direction as:

Performs assignments within established policies and objectives. Incumbents plan and organize the work, determine the work methods, and assist in

determining priorities and deadlines. Completed work is reviewed for effectiveness in producing expected results.

Ms. Pickens's position closely matches the Class Series Concept, Definition, and Distinguishing Characteristics of the Program Coordinator classification.

Ms. Pickens works under general direction and relieves her supervisor of the day-to-day operations of the testing center for the Pierce College Military Program. She uses her specialized knowledge to independently carry out testing activities for the program. She exercises independent judgment in interpreting and applying testing rules, procedures and regulations related to the testing of soldier-students through the military program. She serves as the primary contact for the scheduling and coordination of testing services which involves extensive contact with students, staff, the public and the military in carrying out program activities. This also includes having responsibility for coordinating the off-site testing of soldier-students who may be deployed or are interested in enrolling and testing through Pierce College and GoArmyEd.

Ms. Pickens is responsible for developing test administration processes and procedures in accordance with military requirements. She establishes testing schedules as well as test proctor schedules. Ms. Pickens is authorized by her supervisor to analyze program requirements and make or recommend programmatic changes as needed within the confines of the military's testing requirements.

Ms. Pickens's overall level of responsibility and decision making authority regarding testing processes, testing registration and scheduling, as well as her responsibility for coordinating off-site testing fit within the Program Coordinator classification.

When determining the appropriate classification for a specific position, the duties and responsibilities of that position must be considered in their entirety and the position must be allocated to the classification that provides the best fit overall for the majority of the position's duties and responsibilities. Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

In this case, the majority of the duties assigned to Ms. Pickens's position and her level of responsibility and delegated authority are best described by the Program Coordinator classification. Ms. Pickens's position should remain allocated to the Program Coordinator Class.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located at 600 South Franklin, Olympia, Washington. The main telephone number is (360) 664-0388, and the fax number is (360) 753-0139.

If no further action is taken, the Director's determination becomes final.

c: Bethel Pickens
Jan Bucholz, Pierce College
Deena Forsythe, Pierce College
Lisa Skriletz, DOP

Enclosure: List of Exhibits

Bethel Pickens v. Pierce College (ALLO-10-002)

List of Exhibits

A. Bethel Pickens Exhibits

1. Director's Review Request Form from Bethel Pickens, dated January 8, 2010.
2. Bethel Pickens Additional Exhibits:
 - 2-1 Cover statement with attachments:
 - CLEP Master System Administrator (MSA) qualifications
 - DSST Test Center Manager Qualifications
 - Pearson Vue Certified Administrator Qualifications
 - CLEP Test Center Administrator Certificate
 - DSST Administrator Test Results
 - Pearson Vue Certified Test Administrator Certificate.
 - 2-2 Cover Statement with attachments:
 - Program Manager A-Allied Health
 - Military Program Student Support Manager.
 - 3-1 Schedule and Management Statement with attachments:
 - Course Bulletin Covers (October 2008 through December 2009)
 - Credit by Exam (CLEP/DSST) Schedules
 - COMPASS schedules
 - Out of Area Site Log
 - 4-1 The Timecards you don't see
 - Alicia Fleming – COMPASS Proctor
 - Elizabeth Jordon – COMPASS Proctor
 - Tami McKerrow – COMPASS, CLEP/DSST Proctor.

B. Pierce College Exhibits

1. Pierce College Allocation Determination letter from Jan Bucholz to Bethel Pickens, dated December 23, 2009 with Allocation Determination memorandum from Deena Forsythe
2. Position Review Request Form from Bethel Pickens, dated November 5, 2009 without supervisor comments.
3. "Special Assignment" Time Cards submitted by Bethel Pickens to Deena Forsythe.
4. Copies of Official timesheets processed through payroll.
5. Position Review Request Form from Bethel Pickens, dated November 5, 2009, including supervisor comments from Horst Marschall.

C. Director's Exhibits

1. DOP Class Specification: Program Coordinator
2. DOP Class Specification: Program Support Supervisor 1
3. DOP Class Specification: Program Manager A/B